

106TH CONGRESS  
1ST SESSION

# S. 1765

To prohibit post-viability abortions.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 1999

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit post-viability abortions.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Post-Viability Abortion  
5       Restriction Act”.

6       **SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.**

7       (a) IN GENERAL.—It shall be unlawful, in or affect-  
8       ing interstate or foreign commerce, knowingly to perform  
9       an abortion after the fetus has become viable.

10       (b) EXCEPTION.—Subsection (a) shall not apply if,  
11       in the medical judgment of the attending physician, the  
12       abortion is necessary to preserve the life of the woman

1 or to avert serious adverse health consequences to the  
2 woman.

3 (c) PENALTY.—

4 (1) ACTION BY THE ATTORNEY GENERAL.—The  
5 Attorney General, the Deputy Attorney General, the  
6 Associate Attorney General, or any Assistant Attor-  
7 ney General or United States Attorney specifically  
8 designated by the Attorney General may commence  
9 a civil action under this section in any appropriate  
10 United States district court to enforce the provisions  
11 of this section.

12 “(2) FIRST OFFENSE.—Upon a finding by the  
13 court that the respondent in an action commenced  
14 under paragraph (1) has knowingly violated a provi-  
15 sion of this section, the court shall assess a civil pen-  
16 alty against the respondent in an amount not to ex-  
17 ceed \$10,000.

18 “(3) SECOND OFFENSE—Upon a finding by the  
19 court that the respondent in an action commenced  
20 under paragraph (1) has knowingly violated a provi-  
21 sion of this section and the respondent has been  
22 found to have knowingly violated a provision of this  
23 section on a prior occasion, the court shall notify the  
24 appropriate State medical licensing authority in  
25 order to effect the revocation of the respondent’s

1       medical license in accordance with the regulations  
2       and procedures developed by the State.

3           “(4) HEARING.—With respect to an action  
4       under paragraph (1), the appropriate State medical  
5       licensing authority shall be given notification of and  
6       an opportunity to be heard at a hearing to deter-  
7       mine the penalty to be imposed under this sub-  
8       section.

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